

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

IAN HUNTER LUCAS, *Pro Se*

Plaintiff(s),

v.

MARY ANN JESSEE et al.,

Defendant(s).

Case No. 3:24-cv-00440

Judge Waverly D. Crenshaw, Jr
Magistrate Judge Alistair E. Newbern

MOTION TO AMEND COMPLAINT

Ian Hunter Lucas, appearing pro se ("Plaintiff"), hereby petitions this Court for leave to amend the Complaint herein against Mary Ann Jessee, et al. ("Defendants"), pursuant to Federal Rule of Civil Procedure 15(a)(2). The Plaintiff respectfully solicits the Court's consent to revise the Complaint, with the objective of refining the precision of factual assertions and legal contentions to facilitate a just adjudication. The proposed amendments are tendered in a spirit of candor and equity, without any intention to protract the litigation or to place the Defendants at an undue disadvantage.

I. Identified Deficiencies in the Current Complaint

In response to guidance provided by this Honorable Court, the Plaintiff, Ian Hunter Lucas, proceeding pro se, respectfully requests permission to amend the existing operative complaint (Doc. No. 1-4), as delineated in the pro se plaintiff's notice to the court dated May 16th, 2024. This request aims to rectify several identified deficiencies, including but not limited to, the precise identification of Defendants, the robustness of legal arguments, the presence of typographical errors, and the overall clarity of language. Specifically, the proposed amendments intend to:

1. Precisely identify all Defendants to dispel any ambiguity regarding the parties involved.
2. Amend typographical inaccuracies and excise irrelevant case law.
3. Enhance the complaint's intelligibility for the Court and all parties concerned by:

a. Organizing claims in a manner that aligns with the Court's stipulations for clarity and conciseness in legal documents.

b. Presenting arguments in a direct and succinct fashion.

c. Incorporating summaries in plain language.

These adjustments are designed to ensure the complaint adheres to the procedural and legal benchmarks set forth by this Court.

II. Legal Standard and Pertinent Precedent

This motion is anchored in the Federal Rules of Civil Procedure, notably Rule 15(a), which permits amendments to pleadings "when justice so requires." This ethos is underscored by the Supreme Court's decision in *Foman v. Davis* and is further supported within this jurisdiction by *Moore v. City of Paducah*, both of which advocate a lenient stance towards amendments. Additionally, jurisprudence such as *Erickson v. Pardus* and *Bell Atlantic Corp. v. Twombly* highlights the precedence of substantive considerations over procedural formalities, a principle that is especially advantageous to pro se litigants like the Plaintiff, safeguarding their entitlement to a fair hearing notwithstanding technical imperfections.

By invoking Rule 15(a), the Plaintiff aligns with the judiciary's inclination towards substantive justice, a crucial aspect for pro se litigants to articulate their claims comprehensively, thereby facilitating a thorough assessment by the Court. The precedents set by *Erickson v. Pardus* and *Bell Atlantic Corp. v. Twombly*, alongside *Haines v. Kerner*, underscore the judiciary's historical leniency towards pro se plaintiffs, emphasizing that complaints should not be dismissed for lacking in legal argumentation if they present sufficient factual allegations.

III. Requested Court Intervention and Leave

Given the identified shortcomings and procedural hurdles associated with the current complaint, the Plaintiff seeks:

1. The Court's authorization to amend the complaint to enhance its clarity and conciseness.

2. A stay of the Defendants' obligation to respond, providing them a 30-day period after the amendment's filing to submit their response.

3. The Court's approval to file the amended complaint within 14 days after receiving such leave from this honorable court.

IV. Conclusion

WHEREFORE, the Plaintiff *pro se*, Ian Hunter Lucas, respectfully requests this Court **GRANT** the Plaintiffs' Motion to Amend the Complaint. Additionally, the Plaintiff seeks a **STAY** on the Defendants' obligation to respond until the Amended Complaint is officially filed with the Court.

Signed and dated this 16th day of May 2024.

Respectfully submitted,



Ian Hunter Lucas
Plaintiff Pro Se
221 Charleston Avenue
Pleasant View, Tennessee, 37146
Phone: (910) 872-3577
Email: LucasIanHunter@outlook.com

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of May 2024, the foregoing **MOTION** was filed with the Court's CM/ECF system, which automatically forwarded a copy to the following counsel of record:

Mark A. Baugh, BPR No. 015779
Denmark J. Grant, BPR No. 036808
BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, P.C.
1600 West End Avenue, Suite 2000
Nashville, Tennessee 37203
Telephone (615) 726-5600
Facsimile (615) 744-5760
Attorneys for Defendants Clairise Gamez, Crystal Ritchie, and Marissa Shulruff

Mark A. Baugh, BPR No. 015779
(See above for Address and Contact Information)
Attorney to be Noticed¹: Daniel Diermeier, Tracey George, Cybele Raver, Melanie Lowe, Timothy Garrett, Maja A. Hartzell, Ernie Rushing, Sara Donahoe, Terry Walker, K. Melissa Smith Hayes, Nancy Wise, Lacey Cross, Monika Do, Carrie Plummer, Ellen Schoen, Judson Smith, Jessica Wellette, Melanie Morris, Robingale Panepinto, Melissa Lord, Brittany Kirby, and Shannon Ellrich

Kevin C. Klein (#23301)
Jeffrey W. Sheehan (#33534)
KLEIN SOLOMON MILLS, PLLC
1322 4th Avenue North
Nashville, Tennessee 37208
(615) 600-4780
Attorneys for Defendants: Mary Ann Jessee, Michelle Tellock, Joel Newsome, Melissa Porter, G.L. Black, Neil Jamerson, Jeremy Bourgoin, Mavis Schorn, Pamela Jefferies, E. Jacob Cummings, Jill Harris, Heather Robbins, Cate Enstrom, Angela Weaver, Mary Roy, Michael Fazi, and Feylyn Lewis

Respectfully submitted,

/s/ Ian Hunter Lucas
Ian Hunter Lucas
Plaintiff Pro Se
221 Charleston Avenue
Pleasant View, Tennessee, 37146
Phone: (910) 872-3577
Email: LucasIanHunter@outlook.com

¹ This service has been executed through the court's Case Management/Electronic Case Files (CM/ECF) system, with Attorney Mark A. Baugh being designated as the "ATTORNEY TO BE NOTICED" on behalf of these defendants. It is important to note that this designation has been made notwithstanding the fact that a Federal Complaint or Federal Summons has not been formally served upon these defendants. This notice is issued to certify the completion of service as outlined above and to affirm the compliance with procedural requirements under the Federal Rules of Civil Procedure regarding the notification of defendants in this matter.